

**SUPREME COURT MINUTES  
WEDNESDAY, NOVEMBER 19, 2003  
SAN FRANCISCO, CALIFORNIA**

**S119248**

B150912 Second Appellate District,  
B151175 Division Three  
B152562

BURBANK, CITY OF v. STATE WATER  
RESOURCES CONTROL BOARD  
Petition for review granted

Votes: George, C.J., Kennard, Baxter &  
Brown, JJ.

**S119259**

H024323 Sixth Appellate District

PEOPLE v. MIRAMONTES  
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Warrick v. Superior Court*, S115738 (see Cal. Rules of Court, rule 28.2 (c) ), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S119334**

B169805 Second Appellate District,  
Division Five

GENTRY v. S.C. (CIRCUIT CITY STORES)  
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *Discover Bank v. Superior Court*, S113725 (see Cal. Rules of Court, rule 28.2 (c) ), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S119544**

A100018 First Appellate District,  
Division One

PEOPLE v. BRINAR  
Review granted/briefing deferred (rule 29.1)

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. McCall*, S113433 (see Cal. Rules of

Court, rule 28.2 (c), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown and Moreno, JJ.

**S113068**

ALVARADO (DAVID) ON H.C.

OSC issued, returnable in Superior Court

The Director of Corrections is ordered to show cause, before the Los Angeles County Superior Court, when the matter is ordered on calendar why the abstract of judgment in Case Number BA150071 should not be corrected to reflect additional presentence conduct credits pursuant to Penal Code sections 2900.5 and 4019, for the 549 days of actual presentence custody. (See Resp.'s Inf. Opp. at pp. 1-2; *People v. Thomas* (1999) 21 Cal.4th 1122, 1125, 1130; see also *People v. Buckhalter* (2002) 26 Cal.4th 20, 30.) The return shall be filed on or before December 19, 2003.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown & Moreno, JJ.

**S107641**

B150991 Second Appellate District,  
Division Two

SCOTTSDALE INSURANCE COMPANY v. MV  
TRANSPORTATION INC.

Transferred to CA 2/2 after hold

Pursuant to California Rules of Court, rule 29.3 (d), the above-entitled review in *Scottsdale Ins. Co. v. MV Transportation* (S107641) is transferred to the Court of Appeal, Second Appellate District, Division Two, for reconsideration in light of *Hameid v. National Fire Ins. of Hartford* (2003) 31 Cal.4th 16.

Votes: George, C.J., Kennard, Baxter, Werdegar, Chin, Brown & Moreno, JJ.

**S110446**

G028347 Fourth Appellate District,  
Division Three

U.K. ABBA PRODUCTS v. EMPLOYERS  
INSURANCE OF WAUSAU  
Dismissed per rule 29.3(b), and remanded to CA 4/3

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S111876**

B142840 Second Appellate District,  
B144243 Division Three

SALAZAR v. DIVERSIFIED PARATRANSIT INC.  
Transferred to CA 2/3 after grant of review

Appellant's request for judicial notice, filed on  
October 10, 2003, is granted. (Evid. Code,  
§ 452.) Respondents' motion to dismiss, filed  
on October 27, 2003, is denied.

The case is transferred to the Court of Appeal,  
Second District, Division Three, for  
reconsideration in light of the enactment of  
Chapter 671 of the Statutes of 2003.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S114148**

G028565 Fourth Appellate District,  
Division Three

U. K. ABBA PRODUCCTS v. NORTHBROOK  
NATIONAL INSURANCE CO.  
Dismissed per rule 29.3(b), and remanded to CA 4/3

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S117253**

E030908 Fourth Appellate District,  
Division Two

CARTER v. CALIF DEPT OF VETERANS AFFAIRS  
Transferred to CA 4/2 after hold

The above-entitled review is hereby transferred  
to the Court of Appeal, Fourth Appellate  
District, Division Two, with directions to vacate  
its decision and to reconsider the cause in light  
of the enactment of Chapter 671 of the Statutes  
of 2003.

Votes: George, C.J., Kennard, Baxter,  
Werdegar, Chin, Brown and Moreno, JJ.

**S116444**

MEDINA (TEOFILO) ON H.C.

Two petitions for writ of habeas corpus denied (AA)

- (1) The petition for writ of habeas corpus, filed on June 4, 2003, is denied on the merits.
- (2) Petition for writ of habeas corpus, filed on June 5, 2003, is denied on the merits.

**S118865**

F043226 Fifth Appellate District

CRUZ (ALFREDO H.) ON H.C.

Petition for review denied

**S118875**A103577 First Appellate District,  
Division OneANSCHUTZ v. S.C. (CALIF. STATE TEACHERS  
RETIREMENT SYSTEM)

Petition for review and application for stay denied

**S118888**B157910 Second Appellate District,  
Division One

SERNA v. PETTEY LEACH TRUCKING INC.

Petition for review denied

**S118937**B157874 Second Appellate District,  
Division EightMODERN DEVELOPMENT COMPANY v.  
NAVIGATORS INSURANCE CO.

Petition for review denied

**S119001**E032162 Fourth Appellate District,  
Division Two

PEOPLE v. LEVY

Petitions for review &amp; publication request denied

**S119227**B159423 Second Appellate District,  
Division Five

PEOPLE v. BUTLER

Petition for review denied

**S119337**B158351 Second Appellate District,  
Division Three

PEOPLE v. GONZALEZ

Petition for review denied

**S119380**B159413 Second Appellate District,  
Division Seven

CZIRAKI v. THUNDER CATS INC.

Petition for review denied

**S119397**

B169973 Second Appellate District,  
Division One

LAM v. S.C. (PEOPLE)

Petition for review denied

Kennard, J., Werdegar, J., and Moreno, J., are of  
the opinion the petition should be granted.

**S119422**

B161566 Second Appellate District,  
Division Six

STATE COMPENSATION INS FUND v. WCAB

Petition for review & publication request denied

**S119429**

B159149 Second Appellate District,  
Division Five

PEOPLE v. FRIEDMAN et al.

Petitions for review denied

Kennard, J., and Werdegar, J., are of the opinion  
the petition should be granted.

**S119469**

A102735 First Appellate District,  
Division Three

ASSER v. S.C. (CYBERTRADER INC. et al.)

Petition for review denied

**S119503**

G029637 Fourth Appellate District,  
Division Three

HISER v. BELL HELICOPTER TEXTRON INC.

Petition for review denied

**S119529**

G032819 Fourth Appellate District,  
G032556 Division Three

C. (JOHNNY) ON H.C.

Petition for review denied

Request for judicial notice denied.

**S119538**

A098571 First Appellate District,  
Division Four

PEOPLE v. VEGA

Petition for review denied

**S119539**

E031176 Fourth Appellate District,  
Division Two

PEOPLE v. SORIA et al.

Petition for review denied

**S119546**  
B158425 Second Appellate District,  
Division Six

PEOPLE v. BALLEK et al.  
Petitions for review denied

**S119563**  
C041011 Third Appellate District

PEOPLE v. EDWARDS  
Petition for review denied

**S119580**  
A100442 First Appellate District,  
Division Five

P. (STEPHONN), IN RE  
Petition for review denied

**S119591**  
D042482 Fourth Appellate District,  
Division One

P. (JACQUELINE) ON H.C.  
Petition for review denied; CA opinion decertified

The requests for an order directing depublication of the opinion are granted. The Report of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above entitled appeal filed September 25, 2003, which appears at 112 Cal.App.4th 141 (Cal. Const., art. VI, section 14; rule 976, Cal. Rules of Court.)

**S119630**  
C039653 Third Appellate District

PEOPLE v. KING  
Petition for review denied

**S119637**  
C043081 Third Appellate District

PEOPLE v. HOLMAN  
Petition for review denied

**S119657**  
A104017 First Appellate District,  
Division Four

COVENANT CARE CALIFORNIA INC. v. S. C.  
(FOUNDATION AIDING THE ELDERLY)  
Petition for review denied

**S119667**  
C042101 Third Appellate District

PEOPLE v. FRAZIER  
Petition for review denied

**S119670**  
C041726 Third Appellate District

PEOPLE v. LEONARD  
Petition for review denied

<b>S119671</b> A094260 First Appellate District, Division Two	PEOPLE v. PAYTON Petition for review denied
<b>S119675</b> B160198 Second Appellate District, Division Seven	PEOPLE v. HAMILTON Petition for review denied
<b>S119695</b> B158562 Second Appellate District, Division Four	PEOPLE v. GONZALES Petition for review denied
<b>S119696</b> G030730 Fourth Appellate District, Division Three	PEOPLE v. PIMENTEL et al. Petition for review denied
<b>S119697</b> D039032 Fourth Appellate District, Division One	PEOPLE v. MILLER Petition for review denied
<b>S119700</b> B161982 Second Appellate District, Division Seven	PEOPLE v. MOYA Petition for review denied
<b>S119701</b> F040448 Fifth Appellate District	PEOPLE v. YOUNG Petition for review denied
<b>S119703</b> F039978 Fifth Appellate District	PEOPLE v. SANTIAGO Petition for review denied
<b>S119705</b> A098926 First Appellate District, Division Three	PEOPLE v. MILES Petition for review denied
<b>S119709</b> E032399 Fourth Appellate District, Division Two	PEOPLE v. MEEKS Petition for review denied

**S119713**

C040816 Third Appellate District

T. (JOSEPH), IN RE

Petition for review denied

**S119715**B169966 Second Appellate District,  
Division Seven

ELWOOD v. S.C. (MORIN)

Petition for review denied

Request for judicial notice is denied.

**S119720**B169784 Second Appellate District,  
Division Two

SMITH v. S.C. (PEOPLE)

Petition for review denied

**S119723**A104101 First Appellate District,  
Division Three

WALKER (JEFFERSON ON H.C.)

Petition for review denied

**S119724**E031829 Fourth Appellate District,  
Division Two

PEOPLE v. BANUELOS

Petition for review denied

**S119730**

H025415 Sixth Appellate District

T. (KENNETH), IN RE

Petition for review denied

**S119738**

F041648 Fifth Appellate District

PEOPLE v. CULLEN

Petition for review denied

**S119747**B170267 Second Appellate District,  
Division Seven

PATTERSON (VESTER) ON H.C.

Petition for review denied

**S119748**B158368 Second Appellate District,  
Division Two

MERGERSON v. ZORRILLA et al.

Petition for review denied

**S119756**B164050 Second Appellate District,  
Division Six

PEOPLE v. ROWLAND

Petition for review denied



**S119770**

A102788 First Appellate District,  
Division Two

GUTIERREZ v. WCAB (SERRANO & CONE)

Petition for review denied

**S119785**

A100255 First Appellate District,  
Division One

PEOPLE v. GARCIA

Petition for review denied

**S119797**

B167982 Second Appellate District,  
Division One

LOS ANGELES METRO TRANSPORT v. WCAB

Petition for review denied

**S119801**

E031269 Fourth Appellate District,  
Division Two

PEOPLE v. COOPER

Petition for review & publication request denied

Kennard, J., is of the opinion the petition should  
be granted.

**S119802**

D039497 Fourth Appellate District,  
Division One

PEOPLE v. HOWARD

Petition for review denied

**S119804**

C042877 Third Appellate District

E. (JOVALYNN), IN RE

Petition for review denied

**S119813**

E031417 Fourth Appellate District,  
Division Two

GRANT v. AMERICAN GOLF CORPORATION

Petition for review denied

**S119816**

C040246 Third Appellate District

PEOPLE v. CADWALLADER

Petition for review denied

**S119819**

B159446 Second Appellate District,  
Division Seven

PEOPLE v. RIVERA

Petition for review denied

**S119824**

B162008 Second Appellate District,  
Division Eight

PEOPLE v. MUNOZ

Petition for review denied

**S119829**

B158968 Second Appellate District,  
Division Five

KLEIN, MARRIAGE OF  
Petition for review denied

**S119836**

B156964 Second Appellate District,  
Division Seven

PEOPLE v. GARRETT  
Petition for review denied

**S119863**

F014925 Fifth Appellate District

PEOPLE v. MCJIMPSON  
Petition for review denied

**S120088**

B170669 Second Appellate District,  
Division Two

DELANEY (JAMES) ON H.C.  
Petition for review and application for stay denied

**S120222**

B169649 Second Appellate District,  
Division Four

UNOCAL CORP. v. S.C. (DOE)  
Petition for review and application for stay denied

**S120472**

F044172 Fifth Appellate District

PEACOCK v. S.C. (PEOPLE)  
Petition for review and application for stay denied

**S120554**

A104516 First Appellate District,  
Division Five

HERVE v. S.C. (GRANADA)  
Petition for review and application for stay denied

**S112131**

SCHLAICK (MICHAEL W.) ON H.C.  
Petition for writ of habeas corpus denied

**S113934**

RANDOLPH (MARVIN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113958**

HIMMELBERGER (KRISTIN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S113959**

HOBLEY (TIMOTHY) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

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**S114125**

NEWMAN (CHARLES) ON H.C.  
Petition for writ of habeas corpus denied

**S114133**

CLARK (MELVIN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S114188**

REYNAGA (STEVEN) ON H.C.  
Petition for writ of habeas corpus denied

**S114202**

FREDERICK (KENNETH H.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S114204**

HEARNE (WILLIE C.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate.

**S114205**

MONTUE (JOHN) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S114524**

JOHNSON (THOMAS J.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

Brown, J., was recused and did not participate.

**S114545**

LENG (KOY) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S114547**

MOORE (RICHARD N.) ON H.C.  
Petition for writ of habeas corpus denied

**S114553**

MUHAMMAD (KARAM W.) ON H.C.  
Petition for writ of habeas corpus denied

**S114557**

DENNIS (KEITH W.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

<b>S114604</b>	PEARSON (FRED BROWN) ON H.C. Petition for writ of habeas corpus denied
<b>S114646</b>	TERRY (ROOSEVELT J.) ON H.C. Petition for writ of habeas corpus denied
<b>S114669</b>	GARCIA (JOSE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114686</b>	SHANNON (MICHAEL T.) ON H.C. Petition for writ of habeas corpus denied
<b>S114704</b>	BROOKS (GORDON S.) ON H.C. Petition for writ of habeas corpus denied
<b>S114705</b>	SANCHEZ (ALEJANDRO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114706</b>	ROSE (RONALD) ON H.C. Petition for writ of habeas corpus denied
<b>S114714</b>	MOORE (RICHARD N.) ON H.C. Petition for writ of habeas corpus denied
<b>S114719</b>	ARANDA (GUADALUPE) ON H.C. Petition for writ of habeas corpus denied
<b>S114729</b>	ARREOLA (JESUS) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114739</b>	LUNA-GUEVARA (TOMAS) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114743</b>	SPENCER (DONALD) ON H.C. Petition for writ of habeas corpus denied with citation(s)

<b>S114744</b>	PAYNE (DARVON) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114759</b>	MAGDALENO (MICHAEL G.) ON H.C. Petition for writ of habeas corpus denied
<b>S114768</b>	FULFORD (FRED) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114769</b>	AGUILAR (JON LOUIS) ON H.C. Petition for writ of habeas corpus denied
<b>S114786</b>	TATOY (MARTIN B.) ON H.C. Petition for writ of habeas corpus denied
<b>S114789</b>	HUNGERFORD (MARC C.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114794</b>	JACKSON (TYRONE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114812</b>	EVANS (PATRICK) ON H.C. Petition for writ of habeas corpus denied
<b>S114855</b>	KELCE (JEFFERY) ON H.C. Petition for writ of habeas corpus denied
<b>S114959</b>	RENTERIA (JAVIER) ON H.C. Petition for writ of habeas corpus denied
<b>S114969</b>	SANCHEZ (FRANCISCO J.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114970</b>	WHIT (ALONZO) ON H.C. Petition for writ of habeas corpus denied with citation(s)

<b>S114972</b>	WILLIAMS (CLARENCE L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114973</b>	YOUNG (EVERETT) ON H.C. Petition for writ of habeas corpus denied
<b>S114978</b>	ABBOTT (GARY) ON H.C. Petition for writ of habeas corpus denied
<b>S114985</b>	MEDLEY (THEODORE) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S114991</b>	JAEN (CHRISTIAN) ON H.C. Petition for writ of habeas corpus denied
<b>S114995</b>	ARLINE (KEITH D.) ON H.C. Petition for writ of habeas corpus denied
<b>S115023</b>	EVANS (PATRICK) ON H.C. Petition for writ of habeas corpus denied
<b>S115063</b>	MUNOZ (FRANCISCO) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S115375</b>	WILLIAM (CLARENCE L.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S115644</b>	SHANNON (MICHAEL T.) ON H.C. Petition for writ of habeas corpus denied
<b>S115794</b>	SHANNON (MICHAEL T.) ON H.C. Petition for writ of habeas corpus denied with citation(s)
<b>S116836</b>	SMITH (STEPHEN) ON H.C. Petition for writ of habeas corpus denied with citation(s)

**S116879**

CARDONA (MELECIO M.) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S117358**

MONTUE (JOHN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S117591**

PORCHIA (CURTIS DAVON) ON H.C.  
Petition for writ of habeas corpus denied

**S117945**

ROYAL (REGINALD) ON H.C.  
Petition for writ of habeas corpus denied

**S118107**

CASAREZ (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S118144**

CARDONA (MELECIO M.) ON H.C.  
Petition for writ of habeas corpus denied

Brown, J., was recused and did not participate.

**S118511**

CASAREZ (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

**S119364**

MONTUE (JOHN) ON H.C.  
Petition for writ of habeas corpus denied

**S119412**

FLORES (NICOLAS) ON H.C.  
Petition for writ of habeas corpus denied

**S119644**

VAN MILLER (NATHAN) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S119650**

SONORA (JOSE I.) ON H.C.  
Petition for writ of habeas corpus denied with citation(s)

**S119706**

MILLER (NATHAN) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

**S119733**

BLACKWELL (RODNEY K.) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

**S119806**

GUEST (NIC'KOLE) ON H.C.

Petition for writ of habeas corpus denied

**S119843**

FULTON (BILLY) ON H.C.

Petition for writ of habeas corpus denied with citation(s)

**S119918**

FITZHUGH (RICHARD) ON H.C.

Petition for writ of habeas corpus denied

**S120236**

VEGA (YINPRES I.) ON H.C.

Petition for writ of habeas corpus denied

**S117173**G029912 Fourth Appellate District,  
Division ThreeDEPARTMENT OF FAIR EMPLOYMENT &  
HOUSING v. VERIZON CALIFORNIA INC.  
Depublication request denied (case closed)Werdegar, J., was recused and did not  
participate.**S117175**B149100 Second Appellate District,  
Division EightCUNA MUTUAL LIFE INS. CO. v. LOS ANGELES  
Depublication request denied (case closed)**S118846**

C042484 Third Appellate District

A. (DEVON), IN RE

Publication request denied (case closed)

**S119189**D040868 Fourth Appellate District,  
Division OneRODRIGUEZ v. MORGAN STANLEY DW  
Publication request denied (case closed)

Chin, J., was recused and did not participate.



**S119375**

G030970 Fourth Appellate District,  
Division Three

MERRILL v. CALIFORNIA FEDERAL BANK  
Publication request denied (case closed)

**S119789**

B157107 Second Appellate District,  
Division Six

BALLESTEROS (JR.) v. BALLESTEROS (SR.)  
Publication request denied (case closed)

**S026408**

PEOPLE v. LYNCH (FRANKLIN)  
Extension of time granted

to January 12, 2004 to file appellant's opening brief. After that date, only three further extensions totaling 180 additional days will be granted. Extension is granted based upon Deputy State Public Defender Ellen J. Eggers's representation that she anticipates filing that brief by 7/6/2004.

**S030402**

PEOPLE v. TULLY (RICHARD C.)  
Extension of time granted

to December 18, 2003 to file appellant's opening brief. Extension is granted based upon counsel James S. Thomson's representation that he anticipates filing that brief by 12/18/2003. After that date, no further extension will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S041008**

PEOPLE v. HOYOS (JAIME A.)  
Extension of time granted

to January 16, 2004 to file respondent's brief.

**S047867**

PEOPLE v. VIRGIL (LESTER W.)  
Extension of time granted

to January 16, 2004 to file appellant's opening brief. The court anticipates that after that date,

only two further extensions totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S058537**

PEOPLE v. COLLINS (SCOTT FORREST)  
Extension of time granted

to December 23, 2003 to file appellant's opening brief. Extension is granted based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing that brief by 12/23/2003. After that date, no further extension is contemplated.

**S062259**

PEOPLE v. SCULLY (ROBERT W.)  
Extension of time granted

to January 20, 2004 to appellant to request correction of the record. The court anticipates that after that date, only one further extension totaling 60 additional days will be granted. Counsel is ordered to inform the Sonoma County Superior Court and his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and to take all steps necessary to meet it. Counsel for appellant is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

**S066939**

PEOPLE v. ALLEN & JOHNSON  
Extension of time granted

to January 9, 2004 to file appellant ALLEN'S opening brief. The court anticipates that after that date, only two further extensions totaling 60 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or

entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S116750**

DAVIS (STANLEY B.) ON H.C.

Extension of time granted

to December 17, 2003 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Lisa J. Brault's representation that she anticipates filing that document by 1/16/2004.

**S116794**

HOLT (JOHN LEE) ON H.C.

Extension of time granted

to December 12, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel Robert M. Myers's and Assistant Federal Public Defender Jennifer Corey's representation that they anticipates filing that document by 12/12/2003. After that date, no further extension is contemplated.

**S117549**

HERNANDEZ (JESUS) ON H.C.

Extension of time granted

to December 17, 2003 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling 30 additional days is contemplated. Extension is granted based upon Assistant State Public Defender Jay Colangelo's representation that he anticipates filing that document by 1/14/2004.

**S117590**

E032578 Fourth Appellate District,  
Division Two

BARRATT AMERICAN INC. v. RANCHO  
CUCAMONGA, CITY OF  
Extension of time granted

respondent's time to serve and file the answer  
brief on the merits is extended to and including  
December 31, 2003.

**S012943**

PEOPLE v. RUNDLE (DAVID ALLEN)  
Record ordered unsealed

Respondent's "Application for Order  
Directing Superior Court to Unseal Transcripts,"  
incorporating an application directly to this  
court to unseal transcripts, is granted.

The Clerk is directed to unseal pages 8330-  
8338, 8345-8358, 8445-8461, 8488-8494, 9586-  
9620, and 9629-9642 of the reporter's transcript  
herein, and to provide copies of those pages to  
appellant and respondent.

**S054291**

PEOPLE v. LEONARD (ERIC)  
Record ordered unsealed

Appellant's "Application for Order Directing  
Superior Court to Partially Unseal Juror  
Declarations," filed on October 9, 2003, is  
granted.

The Clerk is directed to transmit volume 1S of  
the Clerk's Transcript on Appeal herein to the  
Clerk of the Superior Court of the County of  
Sacramento.

The Clerk of the Superior Court of the County  
of Sacramento is directed to do the following, all  
on or before November 26, 2003: (1) copy  
pages 83-92, 95-102 of volume 1S of the  
Clerk's Transcript on Appeal; (2) redact from  
the pages copied any juror-identifying  
information, substituting each juror's seat  
number for that juror's name; (3) copy the pages  
redacted; (4) cause the redacted pages copied to  
become part of a supplemental volume of the  
Clerk's Transcript on Appeal; (5) cause such

supplemental volume of the Clerk's Transcript on Appeal to be prepared, delivered, and transmitted as specified in rules 35 and 39.5 of the California Rules of Court; and (6) return volume 1S of the Clerk's Transcript on Appeal to the Clerk of this court.

**S024599**

PEOPLE v. JONES (MICHAEL LAMONT)  
Order filed

court's 150-day statement.

**S096831**

BARNETT (LEE MAX) ON H.C.  
Motion denied

Petitioner's 11-page "Motion to Amend Petition for Writ of Habeas Corpus," filed on June 25, 2003, is denied.

The Clerk is directed to strike from the docket the filing of petitioner's 64-page document, entitled "Motion to Amend Petition for Writ of Habeas Corpus," filed on June 19, 2003, and is further directed to file that document, nunc pro tunc as of June 19, 2003, as a new petition for writ of habeas corpus.

Kennard, J., was recused and did not participate.

**S103340; S103340**  
F034709; F034709  
Fifth Appellate District

PEOPLE v. REYNOSO et al.  
Request denied

The Application to Recall Remittitur and for Order Remanding to Court of Appeal for Further Proceedings is denied without prejudice to appellant filing an application in the Court of Appeal to recall that court's remittitur. (See rule 26(c)(2), Cal. Rules of Court.)  
Kennard, J., did not participate.

**B168707** Second Appellate District

CHILDREN AND FAMILY SERVICES v. CELIA T.  
The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Four to Division Two.

**B169116** Second Appellate District

CHILDREN AND FAMILY SERVICES v. MIGUEL E.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Seven to Division Eight.

**B169630** Second Appellate District

CHILDREN AND FAMILY SERVICES v.  
PATRICIA H.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Two to Division Four.

**B169692** Second Appellate District

CHILDREN AND FAMILY SERVICES v. STACEY R.

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Eight to Division Seven.

